



D. Lawrence
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PATENT
ATTORNEY DOCKET NO. 044170-5034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------------------------------|---|------------------------|
| In re Application of: |) | Confirmation No. 6134 |
| |) | |
| R. Sam Niedbala et al. |) | Art Unit: 1743 |
| |) | |
| Serial No.: 09/997,023 ✓ |) | Examiner: L. Alexander |
| |) | |
| Filed: November 30, 2001 |) | |
| |) | |
| For: SAMPLE COLLECTOR AND TEST DEVICE |) | |

Commissioner for Patents
Washington, D.C. 20231

Sir:

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APR 07 2003
GROUP 1700

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action mailed March 17, 2003, the period for reply to which extends through April 17, 2003, Applicants hereby provisionally select the invention identified in the Office Action as Group I (claims 1-25, 46-52 and 64-67) without traverse. Of course, Applicants preserve the right to pursue the non-elected inventions in one or more divisional applications.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: April 3, 2003

By: 

James L. Reed

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